

QUALITATIVE WAIVER REQUEST MOREHEAD STATE UNIVERSITY

ACTION
Agenda Item E
April 16, 2001

Recommendation:

No staff recommendation is offered.

Background:

The Committee on Equal Opportunities makes a recommendation to the Council on Postsecondary Education on the granting of waivers. The CEO recommendation for a waiver of the requirements of KRS 164.020(18) must be based on the combination of the data provided in the agenda and the presentation of the institution on the date of the meeting. The CEO, in its recommendation to the council, must identify the extenuating circumstances that prevented the institution from making the necessary progress and those things that indicate the probability of success in the future.

The CEO oversees plan development, implementation of the general commitments and specific objectives for each institution, and the annual evaluation of institutional progress toward implementing those objectives. *The Kentucky Plan* is implemented through administrative regulation. The administrative regulation (13 KAR 2:060) implements KRS 164.020(18) and *The Kentucky Plan*.

The statutes establish the council's responsibility to approve the offering of new academic programs (KRS 164.020(14)) and also limit (KRS 164.020(18)) an institution's eligibility for new academic programs by the requirement that an institution meet its equal opportunity objectives. The statutes do give the council authority to grant a temporary waiver if an institution demonstrates progress in meeting equal opportunity objectives. The administrative regulation, 13 KAR 2:060, establishes the criteria used to determine an institution's compliance with equal opportunity objectives, and for the granting of a temporary waiver to a state-supported postsecondary education institution which has not met its objectives.

Discussion:

Morehead State University, with the approval of the Board of Regents (3-3-2001), has requested a temporary waiver of the requirements of KRS 164.020(18) to allow approval of new academic programs during calendar year 2001. If a waiver is granted, the number of new academic programs that Morehead may approve or ask the Council on Postsecondary Education to approve during calendar year 2001 is unlimited. If a waiver is granted for calendar year 2001, Morehead will not be eligible for a waiver in calendar year 2002.

The administrative regulation identifies three ways an institution may be eligible to approve new degree programs or to have new degree programs considered for approval:

- Automatic eligibility: continuous progress in three of four objectives in *The Kentucky Plan*.

- Quantitative waiver: continuous progress in two of four objectives in *The Kentucky Plan*.
- Qualitative waiver: the submission of information in support of outstanding efforts that were attempted which have not yet proven to be successful.

Morehead chose the qualitative waiver route. An institution not automatically eligible under Section 6 of the administrative regulation may request a one (1) year waiver (under Section 7) which shall be either quantitative or qualitative. Based on the evaluation of institutional progress in implementing plan objectives (**Attachment A**) Morehead is eligible to request a qualitative waiver under 13 KAR 2:060(7)(4). Morehead has submitted to the council a resolution approved by the institution's governing board and a qualitative assessment, as appropriate, of the institution's efforts to achieve the objectives as set forth in *The Kentucky Plan*.

A qualitative waiver may be approved for an institution failing to meet annual objectives if the institution can demonstrate:

- (a) Outstanding efforts that were attempted which have not yet proven to be successful or extraordinary circumstances that precluded success.
- (b) How the institution's revised plans for recruitment and retention of African American students or employees show promise of future success.

The written request for a qualitative waiver (**Attachment B**) shall include specific and quantifiable aspects of the institution's efforts to meet equal opportunity objectives including:

- (a) Commitment of funds to equal opportunity related activities.
- (b) Financial aid distribution.
- (c) Student services activities.
- (d) High school visitations and results.
- (e) Academic support services.
- (f) Number of interviews granted to African American applicants for positions.
- (g) Offers of employment made that are accepted or rejected.
- (h) Utilization of funds to stimulate units to improve their employment data.
- (i) Special actions for units within an institution where additional efforts are required.
- (j) An evaluation of long-range data trends for those objectives that fell below expectations

Following review of the institution's request for a qualitative waiver, the CEO shall make a recommendation to the council on whether a qualitative waiver should be granted. The council shall consider the institution's request for a qualitative waiver at a subsequent meeting of the council following submission of the information by the institution in support of their request and after a recommendation is forwarded from the CEO.

The CEO has recommended that the council grant five qualitative waivers since the passage of SB 398 [(KRS 164.020(18))]. **Attachment C** lists the institutions that received a qualitative waiver and the number of new programs submitted to the council under the waiver provision. Also, provided as **Attachment D** is the most recent report of Morehead's use of Equal Educational Opportunity funds.

In support of their request, the university indicates that:

- a. The number of African American students enrolled has continually increased from 167 in fall 1995 to 222 in fall 2000.
- b. Greater emphasis is placed on the recruitment of African American students. The university engages in a number of activities to support efforts to enroll more African American students. For example, high school visitations, summer orientation, advising and registration, preview days, and student telecounseling.
- c. The university is committed to enhancing the educational experience of students in its service area by creating a responsive, challenging, and supportive educational environment characterized by high expectations, respect for diversity, and intercultural understanding.
- d. The university requires all budget units to have and to implement a retention plan. The unit plans are based on the university-wide retention plan. Some approaches and strategies employed by various units were not successful. For example, Morehead employed a “get tough” policy to motivate students to work harder and matriculate; however, the number of students disenrolled under the policy has constantly increased since 1997.
- e. Application of action oriented strategies have impacted the number of faculty at Morehead. African American faculty at Morehead increased from 2.9 percent in fall 1999 to 3.2 percent in fall 2000. The university expects a similar result for African Americans employed as professional staff.

Other information provided by Morehead in support of the request is included as **Attachment E**.

Staff Preparation by Sherron Jackson

Attachment A

INSTITUTION: Morehead State University

Degree Program Eligibility Status for Calendar Year 2001

1. Kentucky Resident African-American Undergraduate Enrollments

	F96	F97	F98	F99	Objective
African-American	186	205	233	222	----
% of Total	3.1%	3.5%	4.0%	3.8%	1.7%

Continuous Progress Status: Achieved

System Enrollment of First-Time Freshmen: 8.1%

Campus Diversity Factor: +17

2. Retention of First-Year Kentucky Resident Students

	F96/F97	F97/F98	F98/F99	F99/F00	Objective
African-American	28 of 52 62.3%	33 of 53 53.8%	41 of 68 60.3%	24 of 45 53.3%	71.1%
White	613 of 947 67.4%	671 of 996 64.7%	668 of 1,106 60.4%	698 of 1,113 62.7%	71.1%

Continuous Progress Status: Not Achieved

3. Retention of all Kentucky Resident Undergraduate Students

	F96/F97	F97/F98	F98/F99	F99/F00	Objective
African-American	139 of 186 74.7%	140 of 205 68.2%	156 of 229 68.1%	139 of 206 67.5%	74.3%
White	4,356 of 5,803 75.1%	4,163 of 5,615 74.1%	4,049 of 5,569 72.7%	3,894 of 5,325 73.1%	74.3%

Continuous Progress Status: Not Achieved

4. Six-Year Graduation Rate for Degree-Seeking Kentucky Residents – Fall 1993 Cohort

	96-97	97-98	98-99	99-00	Objective
African-American	7 of 29 24.1%	4 of 14 28.5%	8 of 14 57.1%	8 of 24 33.3%	40.3%
White	237 of 521 45.5%	277 of 575 48.1%	302 of 629 48.0%	255 of 590 43.2%	40.3%

Continuous Progress Status: Not Achieved

5. Kentucky Resident Graduate Student Enrollments

	F96	F97	F98	F99	Objective
African-American	9	15	17	13	---
Total (AA+W)	1,416	1,411	1,389	1,410	---
% African-American	0.6%	1.1%	1.2%	0.9%	1.3%

Continuous Progress Status: Not Achieved

6. Employment of African-Americans in Executive, Administrative, and Managerial Positions

	96-97	97-98	98-99	99-00	Objective
African-American	2	2	3	2	---
Total (AA+W)	44	43	48	51	---
% African-American	4.5%	4.7%	6.3%	3.9%	3.9%

Continuous Progress Status: Achieved

7. Employment of African-Americans as Faculty

	96-97	97-98	98-99	99-00	Objective
African-American	8	11	11	9	---
Total (AA+W)	319	305	309	307	---
% African-American	2.5%	3.6%	3.6%	2.9%	3.5%

Continuous Progress Status: Not Achieved

8. Employment of African-Americans as Other Professionals

	96-97	97-98	98-99	99-00	Objective
African-American	12	7	11	11	---
Total (AA+W)	252	257	257	267	---
% African-American	4.8%	2.7%	4.3%	4.1%	3.8%

Continuous Progress Status: Achieved

DEGREE PROGRAM ELIGIBILITY STATUS: QUALITATIVE WAIVER
INSTITUTION SHOWED CONTINUOUS PROGRESS IN: 3 of 8 OBJECTIVES
Based on Academic Year 1999-00

**Submission Requirements for
A Qualitative Waiver**

Administrative Regulation 13 KAR 2:060

Section 7. Waivers.

- (1) If an institution is not automatically eligible under Section 6 of this administrative regulation and eligible for a quantitative or qualitative waiver, the institution may request a one (1) year waiver which shall be either: (a) quantitative; or (b) qualitative.
- (2) A waiver request by an institution shall include a resolution submitted to the Council on Postsecondary Education, approved by the institution's governing board, and shall include either a quantitative or qualitative assessment, as appropriate, of the institution's efforts to achieve the institution's objectives as set forth in *The Kentucky Plan*.
- (3) **Excluded - Applies to the Quantitative Waiver.**
- (4) A qualitative waiver may be approved for an institution failing to meet annual objectives if an institution can demonstrate:
 - (a)
 1. Outstanding efforts that were attempted which have not yet proven to be successful or
 2. Extraordinary circumstances that precluded success and
 - (b) How the institution's revised plans for recruitment and retention of African American students or employees show promise of future success.
- (5) The written request for a qualitative waiver shall include specific and quantifiable aspects of the institution's efforts to meet equal opportunity objectives including:
 - (a) Commitment of funds to equal opportunity related activities.
 - (b) Financial aid distribution.
 - (c) Student services activities.
 - (d) High school visitations and results.
 - (e) Academic support services.
 - (f) Number of interviews granted to African American applicants for positions.
 - (g) Offers of employment made that are accepted or rejected.
 - (h) Utilization of funds to stimulate units to improve their employment data.
 - (i) Special actions for units within an institution where additional efforts are required.
 - (j) An evaluation of long-range data trends for those objectives that fell below expectations.

- (6) An institution's written request for a qualitative waiver shall be reviewed by the Council on Postsecondary Education's Committee on Equal Opportunities which shall make a recommendation to the Council on whether to grant a qualitative waiver.
- (7) The Council shall consider an institution's request for a qualitative waiver at a subsequent meeting of the Council: (a) following submission of the information by the institution in support of their request and (b) after a recommendation is forwarded from the Committee on Equal Opportunities.
- (8) An institution shall not be eligible for a waiver in consecutive years regardless of the type of waiver.
- (9)
 - (a) Except as provided in paragraph (b) of this subsection, an institution that has received a quantitative or qualitative waiver shall only submit new academic programs under the waiver provision in the calendar year for which the waiver is granted. An institution's request for a new academic program, advanced under authority of an approved waiver, shall be considered at the next regularly scheduled meeting of the Council after an institution has submitted a complete program application.
 - (b) If the Council postpones or delays action, it may extend the period of consideration of a new academic program.

**Summary of
Qualitative Waivers Granted by the CEO
1993 to Present**

Institutions that have received a qualitative waiver and the number of new degree programs approved by the institution or submitted to the council for approval under the waiver provision.

Attachment C

Summary of Qualitative Waivers Granted by CEO Since Passage of SB 398

Information	Institution Granted a Qualitative Waiver						
	EKU	MoSU	UK	UofL	WKU	P'burg CC	Somerset CC
Year Waiver Requested by Institution	Mar-95	Mar-01	Mar-96	Mar-99	Mar-94	Mar-98	Jun-99
Programs Submitted to CPE Under Waiver	1	1	5	19	3	3	1
Eligibility Status - Year After Waiver Granted	Not Eligible		Not Eligible	Automatic	Not Eligible	Not Eligible	Not Eligible
Objectives Met When Waiver Granted	3	3	1	4	3	1	1
Number of Performance Objectives	8	8	8	8	8	4	4

Note:

Morehead State University is requesting approval of a new degree program that supports the Program of Distinction.

Attachment D

**Morehead State University
Equal Educational Opportunity Funds
Actual and Budgeted Expenditures
Actual 1999-00 and Budgeted 2000-01**

FD-9 EQUAL EDUCATIONAL OPPORTUNITY FUNDS***ACTUAL AND BUDGETED****DUE DATE: October 15, 2000****INSTITUTION: MOREHEAD STATE UNIVERSITY**

Source of Funds	Actual 1999-00	Budgeted 2000-01
State General Fund	\$104,600	\$89,400
Expenditure by Object		
Personnel Costs	89,500	69,800
Operating Expenses	13,000	17,600
Grants, Loans, or Benefits	2,100	2,000
Debt Service		
Capital Outlay		
Total Expenditures	104,600	89,400
Use of Funds		
KSU (only)		
Academic Program Enhancement		
Faculty Development		
Student Services		
Minor Equipment		
Minor Capital Projects		
Student Financial Aid		
Other		
Total Use of Funds	0	0
TWI's		
Minority Student Recruitment and Retention	88,300	73,500
Minority Faculty and Staff Recruitment and Retention	14,200	13,900
Minority Student Financial Aid	2,100	2,000
Support of KSU Enhancement		

Total Use of Funds	104,600	89,400
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*Amount reported should be state general fund only, agency funds should NOT be included.

Attachment E

**Information Submitted by Morehead State University
Summary of Qualitative Waiver Support Data
March 3, 2001**

Morehead State University submitted the attached information in support of the request.